

## **TITLE 326 AIR POLLUTION CONTROL BOARD**

### **LSA Document #98-236**

#### **SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING**

On February 3, 1999, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rules at 326 IAC 1-1-3.5; 326 IAC 1-2-20.5; 326 IAC 1-2-52.2; 326 IAC 1-52.4; 326 IAC 1-2-82.5 and amendments to 326 IAC 1-1-3; 326 IAC 1-2-52; and 326 IAC 1-3-4. Comments were submitted by the following party:

James Hauck, Bethlehem Steel Corporation (BSC)

Following is a summary of the comments received and IDEM's responses thereto:

*Comment:* BSC believes that AP-42 emission factors should rarely, if ever, be referenced in the rules and therefore questions why the general definition set out in 326 IAC 1-1-3.5 is necessary. BSC notes that AP-42 emission factors are less accurate than source-specific data and opposes their use as rules.

*Response:* While source-specific information on emissions is desirable, it is often not available. AP-42 is widely acknowledged as the standard reference for emission factors. The current rules, 326 IAC, already contain references to AP-42 emission factors, (for example, 326 IAC 6-1). The rules also provide that sources can present source specific data, if such exists and is more accurate than the AP-42 emission factor. The proposed rule, 326 IAC 1-1-3.5, merely acknowledges AP-42 emission factors as a reference, as well as defines them.

*Comment:* BSC requests that IDEM set out the specific terms that it is referencing when it references Federal Register citations. Many sources do not subscribe to the Federal Register and are not conveniently located in Indianapolis to obtain copies of specific documents. BSC notes that the 1997 cites for the new standards are included in the July 1, 1998, Code of Federal Regulations.

*Response:* IDEM references Federal Register citations rather than including the federal language in state rules due to the size of such documents. Incorporating the cites is more efficient and avoids typographical errors. Each time a federal document is cited, the asterisked portion at the end of the section of the rule indicates that the specific document referenced is available through the Government Printing Office in Washington, D.C. or IDEM's office of air management. Federal Registers are also available on the Internet and federal depository libraries. In this rulemaking, IDEM is incorporating by reference the July 18, 1997, Federal Register cites for the new ozone and particulate matter standards and is also updating references to the CFR to 1997. IDEM is in the process of initiating a rulemaking to update references to the CFR to 1998.

Updating references to the CFR ensures that applicable federal requirements are enforceable by the state.

*Comment:* BSC requests that IDEM not use “equivalent” levels when defining ambient air quality standards, but instead should incorporate the standards as promulgated. BSC gave the example of the primary standards for sulfur dioxide.

*Response:* 40 CFR 50.4 lists the standards and references the methods to measure sulfur dioxide in both 40 CFR 50.4 and 40 CFR 53. There are various citations in the CFR referencing the  $80 \mu\text{g}/\text{m}^3$  standard without qualifying it as 0.03ppm. Both equivalencies are needed for the various references in the CFR. The  $80 \mu\text{g}/\text{m}^3$  is approximately equal to the 0.03 ppm and is consistent with units given for other criteria pollutants in the CFR. These units were used in the Aerometric Information Retrieval System (AIRS) and are a holdover from manual reference method analysis (Pararosaniline Method).

*Comment:* BSC requests that the ambient air quality standards be stated out to the number of decimal points in the manner that they are implemented. As an example, for the proposed one (1) hour standard for ozone, BSC states that EPA and IDEM use conventions that provide levels up to 0.124 ppm to comply with the standards.

*Response:* IDEM believes that the ambient air quality standards in the state rules should be stated as they are in the federal rules. In the case of ozone, that is 0.12 ppm, IDEM will follow U.S. EPA guidance on determining compliance with the standard, including the rounding conventions. This guidance is specified in Part 50, Appendix H, “Guidelines for Interpretation of Ozone Air Quality Standards”. Details for evaluation of the standard are given in references listed in the rule, specifically 40 CFR 50.9.

*Comment:* BSC requests that the ozone standards include a specific definition of how one determines that the number of exceedances “is equal to or less than one” by including the specific methodology detailed in 40 CFR Part 50, Appendix H, when defining the standards.

*Response:* Details for evaluation of the standard are given in references listed in the rule. While the simplest case seems trivial, the details outlined in the supporting documents regarding invalid and missing data are too lengthy to incorporate and explain in the rule. Therefore, IDEM references the cites, including 40 CFR Part 50, Appendix H, rather than specifying all the details, due to the size of the documents.